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9 ACTING UNITED STATES TRUSTEE

10 **UNITED STATES BANKRUPTCY COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 In re:) Case No.: 21-01607-LA7
13)
14 MICHAEL JEFFREY MORTON and) **DECLARATION OF MICHAEL**
15 KRISTEN LEONA MORTON,) **WEST IN SUPPORT OF ACTING**
16) **UNITED STATES TRUSTEE'S**
17) **MOTION TO DISMISS CASE**
18) **PURSUANT TO 11 U.S.C. § 707(b)**
19)
20) Date: September 23, 2021
21) Time: 2:00 p.m.
22)
23) Judge: Hon. Louise D. Adler

24 I, Michael West, declare as follows:

25 1. I am a Bankruptcy Auditor employed by the United States Department
26 of Justice in the United States Trustee's San Diego office. I submit this declaration
27 in support of the Acting United States Trustee's Motion to Dismiss Case Pursuant
28 to 11 U.S.C. § 707(b). If called as a witness, I could and would competently testify
29 to the following of my own personal knowledge, unless otherwise stated.

1 2. My duties and responsibilities include the review and analysis of
2 Chapter 7 cases for abuse. On behalf of the U.S. Trustee, and in the ordinary
3 course and scope of my regular duties, I reviewed the Debtors' Official Form
4 122A-1 Chapter 7 Statement of Current Monthly Income and Official Form 122A-
5 2 Means-Test Calculation (jointly, "Means Test"), along with their chapter 7
6 petition, schedules, and statements filed in the bankruptcy case.

7 3. On April 21, 2021, the Debtors filed a voluntary chapter 7 petition,
8 along with the required bankruptcy schedules and statements.

9 4. The Debtors' Schedule I reflects that as of the petition date, Mr.
10 Morton is a scientist who has been employed by Janssen R&D LLC for 22 years
11 and that Mrs. Morton is unemployed.

12 5. On Schedule A/B, the Debtors list a 401k retirement account with
13 Janssen R&D in the amount of \$300,000.

14 6. The Debtors have taken out three loans against the 401k account. As
15 of the petition date, the total balance of the 401k loans owed was approximately
16 \$15,000.

17 7. The Debtors Schedule E/F reflects \$80,385 in unsecured debt.

18 8. I attended the initial creditor meeting on May 21, 2021. At the initial
19 creditor meeting, Mr. Morton testified that the \$884 monthly payment listed on
20 Schedule I and the Means Test was for repayments on 401k loans, that he intended

1 to keep paying the 401k loans, and that he could afford to keep making the 401k
2 loan repayments.

3 **THE MEANS TEST ANALYSIS**

4 9. The Debtors' Means Test indicates the presumption of abuse does not
5 arise. This is primarily because of how they recorded their repayment of the three
6 401k loans. Specifically, on the Means Test, Line 33d, under the heading that
7 states "List Other Secured Debts," the Debtors listed a secured debt obligation
8 related to the 401k loans in the total monthly amount of \$884.00. Attached hereto
9 as **Exhibit 1** is a true and correct copy of the Debtors' Means Test filed in the
10 bankruptcy case.

11 10. Assuming that all of the other information reported on the Means Test
12 is true and correct,¹ and removing the improperly claimed 401k loan repayments, I
13 calculated that the Monthly Disposable Income on Line 39c would increase from
14 -\$343.53 to \$540.47. I further calculated monthly disposable income for 60
15 months of \$32,428.20. As this amount is in excess of \$13,650, the presumption of
16 abuse arose by statute under § 707(b)(2).

17 11. In order to determine if the Debtors' Means Test is true and correct, I
18 reviewed each of Mr. Morton's paystubs provided to our office for the 6-month
19 period ending the month before the chapter 7 petition (i.e., October 1, 2020 to

20 ¹ Based on my review, there are errors in the Debtors' Means Test; but, even when corrected, the presumption of abuse arises.

1 March 31, 2021) in order to determine the Debtors' total current monthly income
2 and expenses for inclusion on the Means Test. Attached hereto as **Exhibit 2** is a
3 true and correct copy of the spreadsheet that I prepared from Mr. Morton's
4 paystubs.

5 12. I prepared an alternate Means Test from the data reported on Mr.
6 Morton's paystubs and prepared a side-by-side comparison to the Debtors' Means
7 Test filed in their bankruptcy case. Attached hereto as **Exhibit 3** is a true and
8 correct copy of the spreadsheet that I prepared showing the side-by-side
9 comparison. The following line items were adjusted based on my calculations:

- 10 a. Gross Income was reduced by \$343.91;
- 11 b. Vehicle Operating expense was increased by \$200 as the Debtors'
12 second vehicle is unencumbered, is greater than six years old, and has
13 in excess of 75,000 miles;
- 14 c. Life Insurance was decreased by \$203 since the Debtors have two
15 whole life policies on Mrs. Morton, a universal life policy on Mrs.
16 Morton, and a universal life policy on each of their three children.²

17
18 _____
19 ² Pursuant to instructions on the Means Test, only term policies should be included on this line
20 item. The Means Test, Line 16 allows for deductions premiums that a debtor pays for term life insurance.
It instructs: "The total monthly premiums that you pay for your own term life insurance. If two married
people are filing together, include payments that you make for your spouse's term life insurance. Do not
include premiums for life insurance on your dependents, for a non-filing spouse's life insurance, or for
any form of life insurance other than term."

1 Mr. Morton's paystubs indicate there are deductions for a universal
2 life policy and term life insurance for child.

3 d. Health Insurance was reduced by \$40.07 based upon the actual
4 withholdings during the six-month period covered by the Means Test.

5 e. HSA contributions were increased by \$11.02 based upon the actual
6 withholdings during the six-month period covered by the Means Test.

7 f. Other Secured Debts was reduced by \$884.00 since the deductions
8 were related to the repayment of three 401k loans, which is an
9 improper secured debt deduction on the Means Test.

10 13. Based on my calculations, the Debtors have Monthly Disposable
11 Income in the amount of \$228.55. Total monthly disposable income for a 60-
12 month period is \$13,712.80. This amount is in excess of \$13,650 and, as such, the
13 presumption of abuse arises under § 707(b)(2).³

14 **THE TOTALITY OF THE CIRCUMSTANCES ANALYSIS**

15 14. As reported on Schedule I, line 5c, the Debtors are deducting \$279.50
16 per month for voluntary 401k contributions. Based on my review of the paystubs
17 produced to our office, Mr. Morton was not making any 401k contributions prior to
18 December 24, 2020, paystub.

19 ³ _____
20 The presumption arises without analyzing Line 16 – Taxes on the Means Test, which is \$803 per
month in excess of the actual withholdings during the six-month period prior to filing. Upon information
and belief, the actual taxes due to federal and state taxing agencies are less than the amount withheld on
Mr. Morton's earnings.

1 15. On Schedule I, line 5d, the Debtors are deducting \$884 per month for
2 401k loan repayments.

3 16. Following request by our office, the Debtors provided copies of the
4 401k loan documents related to the three loans, which include information as to the
5 biweekly payment amount, balance remaining, interest rate, and payoff date.

6 17. Based on my review of the 401k loan documents produced to our
7 office, these loans are scheduled to paid off on August 20, 2021; September 2,
8 2022; and February 13, 2023.

9 18. I prepared a spreadsheet showing a comparison between the Debtors'
10 filed Schedule I and my analysis that removes the two improper deductions
11 discussed above, and the resulting impact on the Debtors' Monthly Net Income.
12 Attached hereto as **Exhibit 4** is a true and correct copy of the comparison
13 spreadsheet that I prepared.

14 19. Based on my calculations, the Debtors' Monthly Net Income
15 increased from \$11.66 to \$1,175.16.

16 20. If the Debtors redirected the amounts, they currently pay on their 401k
17 loan repayments to a 60-month plan, as the three loans are paid off,⁴ after
18 administrative expenses, there would be a payment available of \$32,762.77 to
19

20

⁴ Note the 401k loan dated 25 Aug 2016 will paid off on August 20, 2021. This will reduce the
amount of the biweekly loan repayment by \$50.52 or \$109.46 per month. The last biweekly payment for
the second loan will be 2-Sep-22 and 13-Feb-23 for the third loan.

1 general scheduled unsecured creditors. Based on the Schedule F total unsecured
2 amount of \$80,385, there would be a distribution of 40.76% to unsecured creditors.
3 Attached hereto as **Exhibit 5** is a true and correct copy of the spreadsheet that I
4 prepared showing a hypothetical step plan during a 60-month period.

5 21. In particular, following payment in full of the first 401k loan on
6 August 20, 2021, the Debtors subsequently will have \$109.46 per month to
7 contribute towards plan payments. Following payment in full of the second 401k
8 loan on September 2, 2022, the Debtors subsequently will have a total of \$234.17
9 per month to contribute towards plan payments. And, finally, following payment
10 in full of the third 401k loan on February 3, 2023, the Debtors subsequently will
11 have a total of \$884.35 per month to contribute towards plan payments. In total,
12 the Debtors will have approximately \$32,762.77 to fund a 60-month plan and pay a
13 portion of general unsecured creditors.

14 I declare under penalty of perjury under the laws of the United States of
15 America that the foregoing is true and correct. Executed on August 19, 2021, at
16 San Diego, California.

17 By: /s/ Michael West
18 Michael West
19
20

List of Exhibits in Support of Acting United States Trustee's Motion to Dismiss

Exhibit No.	Title	Page No.
1.	Debtors' Means Test.....	001
2.	Debtor's Paystubs Analysis	014
3.	Debtors' Means Test Comparison	016
4.	Schedule I Comparison.....	020
5.	Hypothetical plan.....	020

EXHIBIT 1

EXHIBIT 1

Fill in this information to identify your case:

Debtor 1 Michael Jeffrey Morton

Debtor 2 Kirsten Leona Morton
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of California

Case number (if known)

Check one box only as directed in this form and in Form 122A-1Supp:

1. There is no presumption of abuse

2. The calculation to determine if a presumption of abuse applies will be made under *Chapter 7 Means Test Calculation* (Official Form 122A-2).

3. The Means Test does not apply now because of qualified military service but it could apply later.

 Check if this is an amended filing**Official Form 122A - 1****Chapter 7 Statement of Your Current Monthly Income**

04/20

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known). If you believe that you are exempted from a presumption of abuse because you do not have primarily consumer debts or because of qualifying military service, complete and file *Statement of Exemption from Presumption of Abuse Under § 707(b)(2)* (Official Form 122A-1Supp) with this form.

Part 1: Calculate Your Current Monthly Income**1. What is your marital and filing status? Check one only.** Not married. Fill out Column A, lines 2-11. Married and your spouse is filing with you. Fill out both Columns A and B, lines 2-11. Married and your spouse is NOT filing with you. You and your spouse are: Living in the same household and are not legally separated. Fill out both Columns A and B, lines 2-11. Living separately or are legally separated. Fill out Column A, lines 2-11; do not fill out Column B. By checking this box, you declare under penalty of perjury that you and your spouse are legally separated under nonbankruptcy law that applies or that you and your spouse are living apart for reasons that do not include evading the Means Test requirements. 11 U.S.C. § 707(b)(7)(B).

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

Column A Debtor 1	Column B Debtor 2 or non-filing spouse
\$ 11,186.67	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).

Debtor 1	Debtor 2 or non-filing spouse
\$ 11,186.67	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.

Debtor 1	Debtor 2 or non-filing spouse
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.

Debtor 1	Debtor 2 or non-filing spouse
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

5. Net income from operating a business, profession, or farm

Debtor 1	Debtor 2 or non-filing spouse
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

Gross receipts (before all deductions)	\$ 0.00		
Ordinary and necessary operating expenses	-\$ 0.00		
Net monthly income from a business, profession, or farm	\$ 0.00	Copy here ->	\$ 0.00

6. Net income from rental and other real property

Debtor 1	Debtor 2 or non-filing spouse
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

Gross receipts (before all deductions)	\$ 0.00		
Ordinary and necessary operating expenses	-\$ 0.00		
Net monthly income from rental or other real property	\$ 0.00	Copy here ->	\$ 0.00

7. Interest, dividends, and royalties

Debtor 1	Debtor 2 or non-filing spouse
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

EXHIBIT 1

Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known) _____

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse	
8. Unemployment compensation	\$ 0.00	\$ 0.00	
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:			
For you	\$ 0.00		
For your spouse	\$ 0.00		
9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act. Also, except as stated in the next sentence, do not include any compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If you received any retired pay paid under chapter 61 of title 10, then include that pay only to the extent that it does not exceed the amount of retired pay to which you would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.	\$ 0.00	\$ 0.00	
10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act; payments made under the Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID-19); payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism; or compensation pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If necessary, list other sources on a separate page and put the total below..	\$ 0.00	\$ 0.00	
	\$ 0.00	\$ 0.00	
	\$ 0.00	\$ 0.00	
Total amounts from separate pages, if any.	+ \$ 0.00	\$ 0.00	
11. Calculate your total current monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$ 11,186.67	+ \$ 0.00	= \$ 11,186.67
	Total current monthly income		

Part 2: Determine Whether the Means Test Applies to You**12. Calculate your current monthly income for the year.** Follow these steps:

12a. Copy your total current monthly income from line 11 **Copy line 11 here=>** \$ 11,186.67

Multiply by 12 (the number of months in a year)

12b. The result is your annual income for this part of the form 12. **\$ 134,240.04**

13. Calculate the median family income that applies to you. Follow these steps:

Fill in the state in which you live. CA

Fill in the number of people in your household. 5

Fill in the median family income for your state and size of household. 13. **\$ 115,530.00**

14. How do the lines compare?

14a. Line 12b is less than or equal to line 13. On the top of page 1, check box 1, *There is no presumption of abuse*. Go to Part 3. Do NOT fill out or file Official Form 122A-2.

14b. Line 12b is more than line 13. On the top of page 1, check box 2, *The presumption of abuse is determined by Form 122A-2*. Go to Part 3 and fill out Form 122A-2.

Part 3: Sign Below

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

Official Form 122A-1

Chapter 7 Statement of Your Current Monthly Income

page 2

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Best Case Bankruptcy

EXHIBIT 1

EXHIBIT 1Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known)

Michael Jeffrey Morton
Signature of Debtor 1Kirsten Leona Morton
Signature of Debtor 2Date April 21, 2021
MM / DD / YYYYDate April 21, 2021
MM / DD / YYYY

If you checked line 14a, do NOT fill out or file Form 122A-2.

If you checked line 14b, fill out Form 122A-2 and file it with this form.

Fill in this information to identify your case:

Debtor 1 Michael Jeffrey Morton

Debtor 2 Kirsten Leona Morton
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of California

Case number (if known)

Check the appropriate box as directed in lines 40 or 42:

According to the calculations required by this Statement:

1. There is no presumption of abuse.

2. There is a presumption of abuse.

 Check if this is an amended filing

Official Form 122A - 2

Chapter 7 Means Test Calculation

04/19

To fill out this form, you will need your completed copy of *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1).

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which additional information applies. On the top any additional pages, write your name and case number (if known).

Part 1: Determine Your Adjusted Income

1. **Copy your total current monthly income.** Copy line 11 from Official Form 122A-1 here=>..... \$ 11,186.67

2. **Did you fill out Column B in Part 1 of Form 122A-1?**

No. Fill in \$0 for the total on line 3.

Yes. Is your spouse Filing with you?

No. Go to line 3.

Yes. Fill in \$0 for the total on line 3.

3. **Adjust your current monthly income by subtracting any part of your spouse's income not used to pay for the household expenses of you or your dependents.** Follow these steps:

On line 11, Column B of Form 122A-1, was any amount of the income you reported for your spouse NOT regularly used for the household expenses of you or your dependents?

No. Fill in 0 for the total on line 3.

Yes. Fill in the information below:

State each purpose for which the income was used

For example, the income is used to pay your spouse's tax debt or to support other than you or your dependents.

Fill in the amount you are subtracting from your spouse's income

\$ _____

\$ _____

\$ _____

\$ 0.00

Total. _____

Copy total here=>... - \$ 0.00

4. **Adjust your current monthly income.** Subtract line 3 from line 1.

\$ 11,186.67

Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known) _____

Part 2: Calculate Your Deductions from Your Income

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not deduct any amounts that you subtracted from your spouse's income in line 3 and do not deduct any operating expenses that you subtracted from income in lines 5 and 6 of form 122A-1.

If your expenses differ from month to month, enter the average expense.

Whenever this part of the form refers to you, it means both you and your spouse if Column B of Form 122A-1 is filled in.

5. The number of people used in determining your deductions from income

Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.

5

National Standards

You must use the IRS National Standards to answer the questions in lines 6-7.

6. **Food, clothing, and other items:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items. \$ 2,118.00

7. **Out-of-pocket health care allowance:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories--people who are under 65 and people who are 65 or older--because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

People who are under 65 years of age

7a. Out-of-pocket health care allowance per person \$ 56.00

7b. Number of people who are under 65 X 5

7c. **Subtotal.** Multiply line 7a by line 7b. \$ 280.00 Copy here=> \$ 280.00**People who are 65 years of age or older**

7d. Out-of-pocket health care allowance per person \$ 125.00

7e. Number of people who are 65 or older X 0

7f. **Subtotal.** Multiply line 7d by line 7e. \$ 0.00 Copy here=> +\$ 0.007g. **Total.** Add line 7c and line 7f \$ 280.00

Copy total here=> \$ 280.00

Debtor 1 Michael Jeffrey Morton
Debtor 2 Kirsten Leona Morton

Case number (if known)

Local Standards You must use the IRS Local Standards to answer the questions in lines 8-15.**Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:**

- Housing and utilities - Insurance and operating expenses**
- Housing and utilities - Mortgage or rent expenses**

To answer the questions in lines 8-9, use the U.S. Trustee Program chart.To find the chart, go online using the link specified in the separate instructions for this form.
This chart may also be available at the bankruptcy clerk's office.8. **Housing and utilities - Insurance and operating expenses:** Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses. \$ 729.009. **Housing and utilities - Mortgage or rent expenses:**

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses..... \$ 2,595.00

9b. Total average monthly payment for all mortgages and other debts secured by your home.

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Name of the creditor	Average monthly payment
----------------------	-------------------------

-NONE-	\$
--------	----

Total average monthly payment	\$ 0.00	Copy here=>	-\$ 0.00	Repeat this amount on line 33a.
-------------------------------	---------	-----------------------	----------	---------------------------------

9c. Net mortgage or rent expense.

Subtract line 9b (total average monthly payment) from line 9a (mortgage or rent expense). If this amount is less than \$0, enter \$0.	\$ 2,595.00	Copy here=>	\$ 2,595.00
--	-------------	-----------------------	-------------

10. **If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim.** \$ 0.00

Explain why:

11. **Local transportation expenses:** Check the number of vehicles for which you claim an ownership or operating expense.

- 0. Go to line 14.
- 1. Go to line 12.
- 2 or more. Go to line 12.

12. **Vehicle operation expense:** Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the *Operating Costs* that apply for your Census region or metropolitan statistical area. \$ 460.00

33
EXHIBIT 1

UST 008

Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known) _____

13. **Vehicle ownership or lease expense:** Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments on the vehicle. In addition, you may not claim the expense for more than two vehicles.

Vehicle 1 Describe Vehicle 1: 2021 Toyota Tacoma 788 miles Leased car

13a. Ownership or leasing costs using IRS Local Standard..... \$ 521.00

13b. Average monthly payment for all debts secured by Vehicle 1.

Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you filed for bankruptcy. Then divide by 60.

Name of each creditor for Vehicle 1	Average monthly payment	
Toyota Financial Svcs.	\$ 128.40	
Total Average Monthly Payment	\$ 128.40	Copy here => -\$ 128.40 Repeat this amount on line 33b.
		Copy net Vehicle 1 expense here => \$ 392.60
	\$ 392.60	392.60

13c. Net Vehicle 1 ownership or lease expense

Subtract line 13b from line 13a. if this amount is less than \$0, enter \$0.

Vehicle 2 Describe Vehicle 2:

13d. Ownership or leasing costs using IRS Local Standard..... \$ 0.00

13e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

Name of each creditor for Vehicle 2	Average monthly payment	
-NONE-	\$	
Total Average Monthly Payment	\$ 0.00	Copy here => -\$ 0.00 Repeat this amount on line 33c.
	\$ 0.00	Copy net Vehicle 2 expense here => \$ 0.00
	\$ 0.00	0.00

13f. Net Vehicle 2 ownership or lease expense

Subtract line 13e from line 13d. if this amount is less than \$0, enter \$0.

14. **Public transportation expense:** If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the *Public Transportation* expense allowance regardless of whether you use public transportation.

\$ 0.00

15. **Additional public transportation expense:** If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for *Public Transportation*.

\$ 0.00

33
EXHIBIT 1Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known) _____

Other Necessary Expenses In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

16. **Taxes:** The total monthly amount that you will actually owe for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. However, if you expect to receive a tax refund, you must divide the expected refund by 12 and subtract that number from the total monthly amount that is withheld to pay for taxes.
Do not include real estate, sales, or use taxes. \$ 2,965.00

17. **Involuntary deductions:** The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs.
Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings. \$ 0.00

18. **Life Insurance:** The total monthly premiums that you pay for your own term life insurance. If two married people are filing together, include payments that you make for your spouse's term life insurance. Do not include premiums for life insurance on your dependents, for a non-filing spouse's life insurance, or for any form of life insurance other than term. \$ 203.00

19. **Court-ordered payments:** The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments.
Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 35. \$ 0.00

20. **Education:** The total monthly amount that you pay for education that is either required:
 as a condition for your job, or
 for your physically or mentally challenged dependent child if no public education is available for similar services. \$ 0.00

21. **Childcare:** The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool.
Do not include payments for any elementary or secondary school education. \$ 80.00

22. **Additional health care expenses, excluding insurance costs:** The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 7.
Payments for health insurance or health savings accounts should be listed only in line 25. \$ 0.00

23. **Optional telephone and telephone services:** The total monthly amount that you pay for telecommunication services for you and your dependents, such as pagers, call waiting, caller identification, special long distance, or business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer.
Do not include payments for basic home telephone, internet and cell phone service. Do not include self-employment expenses, such as those reported on line 5 of Official Form 122A-1, or any amount you previously deducted. +\$ 120.00

24. **Add all of the expenses allowed under the IRS expense allowances.**
Add lines 6 through 23. \$ 9,942.60

Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known) _____

Additional Expense Deductions

These are additional deductions allowed by the Means Test.

Note: Do not include any expense allowances listed in lines 6-24.

25. **Health insurance, disability insurance, and health savings account expenses.** The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.

Health insurance \$ 391.00

Disability insurance \$ 29.00

Health savings account + \$ 80.00

Total \$ 500.00

Copy total here=> \$ 500.00

Do you actually spend this total amount?

 No. How much do you actually spend? Yes \$ _____

26. **Continued contributions to the care of household or family members.** The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. These expenses may include contributions to an account of a qualified ABLE program. 26 U.S.C. § 529A(b).

\$ 0.00

27. **Protection against family violence.** The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply.

\$ 0.00

By law, the court must keep the nature of these expenses confidential.

28. **Additional home energy costs.** Your home energy costs are included in your insurance and operating expenses on line 8.

If you believe that you have home energy costs that are more than the home energy costs included in expenses on line 8, then fill in the excess amount of home energy costs.

You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.

\$ 0.00

29. **Education expenses for dependent children who are younger than 18.** The monthly expenses (not more than \$170.83* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.

You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 6-23.

* Subject to adjustment on 4/01/22, and every 3 years after that for cases begun on or after the date of adjustment.

\$ 0.00

30. **Additional food and clothing expense.** The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.

To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

You must show that the additional amount claimed is reasonable and necessary.

\$ 0.00

31. **Continuing charitable contributions.** The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 26 U.S.C. § 170(c)(1)-(2).

+\$ 0.00

32. **Add all of the additional expense deductions.**

Add lines 25 through 31.

\$ 500.00

33
EXHIBIT 1

UST 0011

Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known) _____

Deductions for Debt Payment**33. For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33e.**

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Mortgages on your home:

33a. Copy line 9b here => \$ 0.00

Loans on your first two vehicles:

33b. Copy line 13b here => \$ 128.40

33c. Copy line 13e here => \$ 0.00

33d. List other secured debts:

Name of each creditor for other secured debt	Identify property that secures the debt	Does payment include taxes or insurance?	Average monthly payment
Pension plan administrator	401k: Janssen R & D	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$ 884.00
		<input type="checkbox"/> No <input type="checkbox"/> Yes	\$
		<input type="checkbox"/> No <input type="checkbox"/> Yes	+\$
33e. Total average monthly payment. Add lines 33a through 33d	\$ 1,012.40	Copy total here=>	\$ 1,012.40

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

No. Go to line 35.
 Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 33, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

Name of the creditor	Identify property that secures the debt	Total cure amount	Monthly cure amount
-NONE-		\$ _____	÷ 60 = \$ _____
		Total \$ 0.00	Copy total here=> \$ 0.00

35. Do you owe any priority claims such as a priority tax, child support, or alimony - that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.

No. Go to line 36.
 Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims \$ 0.00 ÷ 60 = \$ 0.00

33
EXHIBIT 1

UST 0012

Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known) _____

36. Are you eligible to file a case under Chapter 13? 11 U.S.C. § 109(e).

For more information, go online using the link for *Bankruptcy Basics* specified in the separate instructions for this form. *Bankruptcy Basics* may also be available at the bankruptcy clerk's office.

No. Go to line 37.

Yes. Fill in the following information.

Projected monthly plan payment if you were filing under Chapter 13 \$ 800.00

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts).

x 9.40

To find a list of district multipliers that includes your district, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

Average monthly administrative expense if you were filing under Chapter 13

\$ 75.20

Copy total here=> \$ 75.20

\$ 1,087.60

37. Add all of the deductions for debt payment.

Add lines 33e through 36.

Total Deductions from Income**38. Add all of the allowed deductions.**

Copy line 24, *All of the expenses allowed under IRS expense allowances* \$ 9,942.60

Copy line 32, *All of the additional expense deductions* \$ 500.00

Copy line 37, *All of the deductions for debt payment* +\$ 1,087.60

Total deductions

\$ 11,530.20

Copy total here.....=> \$ 11,530.20

Part 3: Determine Whether There is a Presumption of Abuse**39. Calculate monthly disposable income for 60 months**

39a. Copy line 4, *adjusted current monthly income* \$ 11,186.67

39b. Copy line 38, *Total deductions* -\$ 11,530.20

39c. Monthly disposable income. 11 U.S.C. § 707(b)(2).
Subtract line 39b from line 39a

\$ -343.53

Copy here=>\$ -343.53

For the next 60 months (5 years)

x 60

39d. **Total.** Multiply line 39c by 60

39d. \$ -20,611.80

Copy here=>

\$ -20,611.80

40. Find out whether there is a presumption of abuse. Check the box that applies:

The line 39d is less than \$8,175*. On the top of page 1 of this form, check box 1, *There is no presumption of abuse*. Go to Part 5.

The line 39d is more than \$13,650*. On the top of page 1 of this form, check box 2, *There is a presumption of abuse*. You may fill out Part 4 if you claim special circumstances. Go to Part 5.

The line 39d is at least \$8,175*, but not more than \$13,650*. Go to line 41.

*Subject to adjustment on 4/01/22, and every 3 years after that for cases filed on or after the date of adjustment.

Debtor 1
Debtor 2Michael Jeffrey Morton
Kirsten Leona Morton

Case number (if known) _____

41. 41a. **Fill in the amount of your total nonpriority unsecured debt.** If you filled out *A Summary of Your Assets and Liabilities and Certain Statistical Information Schedules* (Official Form 106Sum), you may refer to line 3b on that form.

\$ _____
x .25

41b. **25% or your total nonpriority unsecured debt.** 11 U.S.C. § 707(b)(2)(A)(i)(I)
Multiply line 41a by 0.25.....

\$ _____ Copy here=> \$ _____

42. **Determine whether the income you have left over after subtracting all allowed deductions is enough to pay 25% of your unsecured, nonpriority debt.**

Check the box that applies:

Line 39d is less than line 41b. On the top of page 1 of this form, check box 1, *There is no presumption of abuse*. Go to Part 5.

Line 39d is equal to or more than line 41b. On the top of page 1 of this form, check box 2, *There is a presumption of abuse*. You may fill out Part 4 if you claim special circumstances. Then go to Part 5.

Part 4: Give Details About Special Circumstances

43. **Do you have any special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative?** 11 U.S.C. § 707(b)(2)(B).

No. Go to Part 5.

Yes. Fill in the following information. All figures should reflect your average monthly expense or income adjustment for each item. You may include expenses you listed in line 25.

You must give a detailed explanation of the special circumstances that make the expenses or income adjustments necessary and reasonable. You must also give your case trustee documentation of your actual expenses or income adjustments.

Give a detailed explanation of the special circumstances
_____ _____ _____ _____

Average monthly expense or income adjustment
\$ _____ \$ _____ \$ _____ \$ _____

Part 5: Sign Below

By signing here, I declare under penalty of perjury that the information on this statement and in any attachments is true and correct.

/s/ Michael Jeffrey Morton _____

Michael Jeffrey Morton
Signature of Debtor 1

Date April 21, 2021
MM / DD / YYYY

/s/ Kirsten Leona Morton _____

Kirsten Leona Morton
Signature of Debtor 2

Date April 21, 2021
MM / DD / YYYY

EXHIBIT 2

Morton 21-01607-LA7

Paystub Analysis 10/1/20 to 3/31/21

Pay Date	Gross Wages	Fed Tax	Social Security	Medicare	CA Tax	CA Disability	Medical	Dental	Vision	401k Contribution	HSA	401k Loan 1	401k Loan 2	401K Loan 3	Term Life Chil[d]	Universal Life	Long Term Disability	Accident Child	Net Pay
10/1/2020	\$ 4,307.69	\$ 223.89	\$ 254.44	\$ 59.50	\$ 173.84	\$ 41.50	\$ 130.77	\$ 13.85	\$ 17.35	\$ -	\$ 46.15	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 64.19	\$ 12.00	\$ 0.08	\$ 2,861.65
10/15/2020	\$ 4,307.69	\$ 223.89	\$ 254.44	\$ 59.50	\$ 173.84	\$ 41.50	\$ 130.77	\$ 13.85	\$ 17.35	\$ -	\$ 46.15	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 64.19	\$ 12.00	\$ 0.08	\$ 2,861.65
10/29/2020	\$ 4,307.69	\$ 223.89	\$ 254.44	\$ 59.51	\$ 173.84	\$ 41.50	\$ 130.77	\$ 13.85	\$ 17.35	\$ -	\$ 46.15	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 64.19	\$ 12.00	\$ 0.08	\$ 2,861.64
11/12/2020	\$ 4,307.69	\$ 223.89	\$ 254.44	\$ 59.50	\$ 173.84	\$ 41.50	\$ 130.77	\$ 13.85	\$ 17.35	\$ -	\$ 46.15	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 64.19	\$ 12.00	\$ 0.08	\$ 2,861.65
11/26/2020	\$ 4,307.69	\$ 223.89	\$ 254.44	\$ 59.51	\$ 173.84	\$ 41.50	\$ 130.77	\$ 13.85	\$ 17.35	\$ -	\$ 46.15	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 64.19	\$ 12.00	\$ 0.08	\$ 2,861.64
12/10/2020	\$ 4,308.00	\$ 223.92	\$ 254.46	\$ 59.51	\$ 173.87	\$ 41.51	\$ 130.77	\$ 13.85	\$ 17.35	\$ -	\$ 46.15	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 64.19	\$ 12.00	\$ 0.08	\$ 2,861.86
12/24/2020	\$ 4,307.69	\$ 208.37	\$ 254.43	\$ 59.50	\$ 162.47	\$ 40.21	\$ 130.77	\$ 13.85	\$ 17.35	\$ 129.23	\$ 38.46	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 96.31	\$ 14.42	\$ 0.08	\$ 2,733.76
1/7/2021	\$ 4,308.00	\$ 209.34	\$ 254.94	\$ 59.62	\$ 162.50	\$ 40.21	\$ 130.77	\$ 13.85	\$ 17.35	\$ 129.24	\$ 38.46	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 96.31	\$ 14.42	\$ 0.08	\$ 2,732.43
1/21/2021	\$ 4,307.69	\$ 209.30	\$ 254.91	\$ 59.62	\$ 162.47	\$ 40.21	\$ 130.77	\$ 13.85	\$ 17.35	\$ 129.23	\$ 38.46	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 96.31	\$ 14.42	\$ 0.08	\$ 2,732.23
2/4/2021	\$ 4,307.69	\$ 209.30	\$ 254.92	\$ 59.62	\$ 162.47	\$ 40.21	\$ 130.77	\$ 13.85	\$ 17.35	\$ 129.23	\$ 38.46	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 96.31	\$ 14.42	\$ 0.08	\$ 2,732.22
2/18/2021	\$ 4,307.69	\$ 220.26	\$ 258.00	\$ 60.34	\$ 165.76	\$ 40.70	\$ 130.77	\$ 13.85	\$ 17.35	\$ 129.23	\$ 38.46	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 96.31	\$ 14.42	\$ 0.08	\$ 2,732.24
2/25/2021	\$ 8,871.00	\$ 1,951.62	\$ 550.00	\$ 128.63	\$ 585.49	\$ 88.71	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,566.55
3/4/2021	\$ 4,400.00	\$ 220.05	\$ 260.64	\$ 60.95	\$ 170.35	\$ 41.11	\$ 130.77	\$ 13.85	\$ 17.35	\$ 132.00	\$ 38.46	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 96.31	\$ 14.42	\$ 0.08	\$ 2,795.18
3/18/2021	\$ 4,400.00	\$ 214.82	\$ 260.67	\$ 60.96	\$ 166.52	\$ 40.66	\$ 130.77	\$ 13.85	\$ 17.35	\$ 176.00	\$ 38.46	\$ 57.56	\$ 300.08	\$ 50.52	\$ 0.32	\$ 98.88	\$ 14.77	\$ 0.08	\$ 2,757.73

6 Month																			
Total	\$ 65,056.21	\$ 4,786.43	\$ 3,875.17	\$ 906.27	\$ 2,781.10	\$ 621.03	\$ 1,700.01	\$ 180.05	\$ 225.55	\$ 954.16	\$ 546.12	\$ 748.28	\$ 3,901.04	\$ 656.76	\$ 4.16	\$ 1,061.88	\$ 173.29	\$ 1.04	\$ 41,952.43
Average Monthly	\$ 10,842.70	\$ 797.74	\$ 645.86	\$ 151.05	\$ 463.52	\$ 103.51	\$ 283.34	\$ 30.01	\$ 37.59	\$ 159.03	\$ 91.02	\$ 124.71	\$ 650.17	\$ 109.46	\$ 0.69	\$ 176.98	\$ 28.88	\$ 0.17	\$ 6,992.07

* Net pay for this pay period is overstated by \$18.54

EXHIBIT 2

EXHIBIT 3

Morton 21-01607-LA7**Official Form 122A-2 Means Test Comparison**

Line #	Description	Debtor	US Trustee	Difference
1	Total current monthly income.	\$ 11,186.67	\$ 10,842.70	\$ 343.97
2	Did you fill out Column B in Part 1 of Form 122A-1?	Yes	Yes	
3	Adjust your current monthly income by subtracting any part of your spouse's income not used to pay for the household expenses of you or your dependents	\$ -	\$ -	\$ -
4	Adjust your current monthly income. Subtract line 3 from line 1.	\$ 11,186.67	\$ 10,842.70	\$ 343.97
5	The number of people used in determining your deductions from income	5	5	
6	Food, clothing, and other items:	\$ 2,118.00	\$ 2,118.00	\$ -
7	Out-of-pocket health care allowance:			\$ -
7a	Out-of-pocket health care allowance per person	\$ 56.00	\$ 56.00	
7b	Number of people who are under 65	5	5	
7c	Subtotal. Multiply line 7a by line 7b.	\$ 280.00	\$ 280.00	\$ -
7d	Out-of-pocket health care allowance per person	\$ 125.00	\$ 125.00	\$ -
7e	Number of people who are 65 or older	0	0	
7f	Subtotal. Multiply line 7d by line 7e.	\$ -	\$ -	
7g	Total. Add line 7c and line 7f	\$ 280.00	\$ 280.00	\$ -
8	Housing and utilities - Insurance and operating expenses:	\$ 729.00	\$ 729.00	\$ -
9	Housing and utilities - Mortgage or rent expenses:	\$ 2,595.00	\$ 2,595.00	\$ -
10	If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim.	\$ -	\$ -	\$ -
11	Local transportation expenses	2	2	0
12	Vehicle operation expense:	\$ 460.00	\$ 660.00	\$ (200.00)
13	Vehicle Ownership or Lease Expense 2021 Toyota Tacoma			\$ -
13a	Ownership or leasing costs using IRS Local Standard	\$ 521.00	\$ 521.00	\$ -
13b	Average monthly payment for all debts secured by Vehicle 1.	\$ 128.40	\$ 128.40	\$ -
13c	Net Vehicle 1 ownership or lease expense Subtract line 13b from line 13a.	\$ 392.60	\$ 392.60	\$ -
13d	Ownership or leasing costs using IRS Local Standard	\$ -	\$ -	\$ -

EXHIBIT 3

33
EXHIBIT 3

Line #	Description	Debtor	US Trustee	Difference
13e	Average monthly payment for all debts secured by Vehicle 2.	\$ -	\$ -	\$ -
13f	Net Vehicle 2 ownership or lease expense Subtract line 13e from line 13d.	\$ -	\$ -	\$ -
14	Public transportation expense:	\$ -	\$ -	\$ -
15	Additional public transportation expense:	\$ -	\$ -	\$ -
16	Taxes	\$ 2,965.00	\$ 2,965.00	\$ -
17	Involuntary deductions:	\$ -	\$ -	\$ -
18	Life Insurance:	\$ 203.00	\$ -	\$ 203.00
19	Court-ordered payments:	\$ -	\$ -	\$ -
20	Education:	\$ -	\$ -	\$ -
21	Childcare:	\$ 80.00	\$ 80.00	\$ -
22	Additional health care expenses, excluding insurance costs:	\$ -	\$ -	\$ -
23	Optional telephone and telephone services:	\$ 120.00	\$ 120.00	\$ -
24	Add all of the expenses allowed under the IRS expense allowances.	\$ 9,942.60	\$ 9,939.60	\$ 3.00
25	Health insurance, disability insurance, and health savings account expenses.			\$ -
	Health Insurance	\$ 391.00	\$ 350.94	\$ 40.07
	Disability	\$ 29.00	\$ 29.00	\$ -
	HAS	\$ 80.00	\$ 91.02	\$ (11.02)
26	Continued contributions to the care of household or family members.	\$ -	\$ -	\$ -
27	Protection against family violence.	\$ -	\$ -	\$ -
28	Additional home energy costs.	\$ -	\$ -	\$ -
29	Education expenses for dependent children who are younger than 18.	\$ -	\$ -	\$ -
30	Additional food and clothing expense.	\$ -	\$ -	\$ -
31	Continuing charitable contributions.	\$ -	\$ -	\$ -
32	Add all of the additional expense deductions.	\$ 500.00	\$ 470.96	\$ 29.05
33	For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33e.			
33a	Mortgages on your home:	\$ -	\$ -	\$ -
33b	Loans on your first two vehicles:	\$ 128.40	\$ 128.40	\$ -
33c	Loans on your first two vehicles:	\$ -	\$ -	\$ -
33d	List other secured debts: Pension Plan Administrator 401k Janssen R & D	\$ 884.00	\$ -	\$ 884.00
33e	Total average monthly payment. Add lines 33a through 33d	\$ 1,012.40	\$ 128.40	\$ 884.00
34	Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your	N	N	

EXHIBIT 3

33
EXHIBIT 3

UST 0019

Line #	Description	Debtor	US Trustee	Difference
35	Do you owe any priority claims such as a priority tax, child support, or alimony - that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.	N	N	
36	Are you eligible to file a case under Chapter 13?	Y	Y	
	Projected monthly plan payment if you were filing under Chapter 13	\$ 800.00	\$ 800.00	\$ -
	Current multiplier for your district	9.4%	9.4%	\$ -
	Average monthly administrative expense if you were filing under Chapter 13	\$ 75.20	\$ 75.20	\$ -
37	Add all of the deductions for debt payment.	\$ 1,087.60	\$ 203.60	\$ 884.00
38	Add all of the allowed deductions.			\$ -
38a	Copy line 24	\$ 9,942.60	\$ 9,939.60	\$ 3.00
38b	Copy line 32	\$ 500.00	\$ 470.96	\$ 29.05
38c	Copy line 37	\$ 1,087.60	\$ 203.60	\$ 884.00
38d	Total	\$ 11,530.20	\$ 10,614.16	\$ 916.05
39	Calculate monthly disposable income for 60 months			\$ -
39a	Copy line 4, adjusted current monthly income	\$ 11,186.67	\$ 10,842.70	\$ 343.97
39b	Copy line 38,Total deductions	\$ 11,530.20	\$ 10,614.16	\$ 916.05
39c	Monthly disposable income. 11 U.S.C. § 707(b)(2). Subtract line 39b from line 39a	\$ (343.53)	\$ 228.55	\$ (572.08)
39d	Total. Multiply line 39c by 60	\$ (20,611.80)	\$ 13,712.80	\$ (34,324.60)

EXHIBIT 3

EXHIBIT 4

Morton 21-01607-LA7**Schedule I**

Line #	Description	Debtor	US Trustee	Difference
2	List monthly gross wages, salary, and commissions *	\$ 9,331.83	\$ 9,331.83	\$ -
3	Estimate and list monthly overtime pay.	\$ -	\$ -	\$ -
4	Calculate gross Income. Add line 2 + line 3.	\$ 9,331.83	\$ 9,331.83	\$ -
5	List all payroll deductions:			
5a	Tax, Medicare, and Social Security deductions	\$ 1,614.17	\$ 1,614.17	\$ -
5b	Mandatory contributions for retirement plans	\$ -	\$ -	\$ -
5c	Voluntary contributions for retirement plans	\$ 279.50	\$ -	\$ 279.50
5d	Required repayments of retirement fund loans	\$ 884.00	\$ -	\$ 884.00
5e	Insurance	\$ 587.17	\$ 598.04	\$ (10.87)
5f	Domestic support obligations	\$ -	\$ -	\$ -
5g	Union dues	\$ -	\$ -	\$ -
5h	Other deductions. Specify: HSA account	\$ 82.33	\$ 83.33	\$ (1.00)
6	Add the payroll deductions	\$ 3,447.17	\$ 2,295.54	\$ 1,151.63
7	Calculate total monthly take-home pay. Subtract line 6 from line 4.	\$ 5,884.66	\$ 7,036.29	\$ (1,151.63)
8	List all other income regularly received:			
8a	Net income from rental property and from operating a business profession, or farm	\$ -	\$ -	\$ -
8b	Interest and dividends	\$ -	\$ -	\$ -
8c	Family support payments that you, a non-filing spouse, or a dependent regularly receive	\$ -	\$ -	\$ -
8d	Unemployment compensation	\$ -	\$ -	\$ -
8e	Social Security	\$ -	\$ -	\$ -
8f	Other government assistance that you regularly receive	\$ -	\$ -	\$ -
8g	Pension or retirement income	\$ -	\$ -	\$ -
8h	Other monthly income.	\$ -	\$ -	\$ -
9	Add all other income	\$ -	\$ -	\$ -
10	Calculate monthly income Add line 7 + line 9.	\$ 5,884.66	\$ 7,036.29	\$ (1,151.63)
11	State all other regular contributions to the expenses that you list in Schedule J.	\$ -	\$ -	\$ -
12	Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income.	\$ 5,884.66	\$ 7,036.29	\$ (1,151.63)

Schedule J (Relevant Lines as UST does not take issue with Debtors' expenses)

22c	Monthly net income.	\$ 5,873.00	\$ 5,873.00	\$ -
23a	Copy line 12 (your combined monthly income) from Schedule	\$ 5,884.66	\$ 7,036.29	\$ (1,151.63)
23b	Copy your monthly expenses from line 22c above.	\$ 5,873.00	\$ 5,873.00	\$ -
23c	Subtract your monthly expenses from your monthly income. The result is your monthly net income.	\$ 11.66	\$ 1,163.29	\$ (1,151.63)
24	Do you expect an increase or decrease in your expenses within the year after you file this form?			
	No			

*The Debtors stated their gross monthly income was \$9331.83 on the Schedule I. The Debtor's biweekly gross income is \$4,400. Gross monthly income is calculated as follows: \$4,400*26 pay periods = \$114,400 gross annual income. \$114,400/12 months= \$9,533 gross monthly income. As such the Debtors understated their gross monthly income by \$201.50.

EXHIBIT 4

EXHIBIT 5

EXHIBIT 5**Morton 21-01607****Current 401K Loan Repayments**

Loan	Biweekly Repayment	Monthly Repayment	Loan Pay Off Date
1	50.52	\$ 109.46	8/20/2021
2	57.56	\$ 124.71	9/2/2022
3	300.08	\$ 650.17	2/13/2023
Total	408.16	\$ 884.35	

EXHIBIT 5

EXHIBIT 5**Morton, 21-01607-LA7****Redirecting Current 401K Loan Repayments
to a 60-Month Plan upon Repayment of Loans**

Payment Number	Month/Year	Payment Amount	Total of Payments	Notes
1	Sep-21	\$ 109.46	\$ 109.46	Loan 1 Paid off 8/20/21
2	Oct-21	\$ 109.46	\$ 218.92	
3	Nov-21	\$ 109.46	\$ 328.38	
4	Dec-21	\$ 109.46	\$ 437.84	
5	Jan-22	\$ 109.46	\$ 547.30	
6	Feb-22	\$ 109.46	\$ 656.76	
7	Mar-22	\$ 109.46	\$ 766.22	
8	Apr-22	\$ 109.46	\$ 875.68	
9	May-22	\$ 109.46	\$ 985.14	
10	Jun-22	\$ 109.46	\$ 1,094.60	
11	Jul-22	\$ 109.46	\$ 1,204.06	
12	Aug-22	\$ 109.46	\$ 1,313.52	
13	Sep-22	\$ 109.46	\$ 1,422.98	
14	Oct-22	\$ 234.17	\$ 1,657.15	Loan 2 Paid off 9/2/22
15	Nov-22	\$ 234.17	\$ 1,891.33	
16	Dec-22	\$ 234.17	\$ 2,125.50	
17	Jan-23	\$ 234.17	\$ 2,359.67	
18	Feb-23	\$ 234.17	\$ 2,593.85	
19	Mar-23	\$ 884.35	\$ 3,478.19	Loan 3 Paid off 2/13/23
20	Apr-23	\$ 884.35	\$ 4,362.54	
21	May-23	\$ 884.35	\$ 5,246.89	
22	Jun-23	\$ 884.35	\$ 6,131.23	
23	Jul-23	\$ 884.35	\$ 7,015.58	
24	Aug-23	\$ 884.35	\$ 7,899.93	
25	Sep-23	\$ 884.35	\$ 8,784.27	
26	Oct-23	\$ 884.35	\$ 9,668.62	
27	Nov-23	\$ 884.35	\$ 10,552.97	
28	Dec-23	\$ 884.35	\$ 11,437.31	
29	Jan-24	\$ 884.35	\$ 12,321.66	
30	Feb-24	\$ 884.35	\$ 13,206.01	
31	Mar-24	\$ 884.35	\$ 14,090.35	
32	Apr-24	\$ 884.35	\$ 14,974.70	
33	May-24	\$ 884.35	\$ 15,859.05	
34	Jun-24	\$ 884.35	\$ 16,743.39	
35	Jul-24	\$ 884.35	\$ 17,627.74	
36	Aug-24	\$ 884.35	\$ 18,512.09	
37	Sep-24	\$ 884.35	\$ 19,396.43	
38	Oct-24	\$ 884.35	\$ 20,280.78	
39	Nov-24	\$ 884.35	\$ 21,165.13	

EXHIBIT 5

EXHIBIT 5**Morton, 21-01607-LA7****Redirecting Current 401K Loan Repayments
to a 60-Month Plan upon Repayment of Loans**

Payment Number	Month/Year	Payment Amount	Total of Payments	Notes
40	Dec-24	\$ 884.35	\$ 22,049.47	
41	Jan-25	\$ 884.35	\$ 22,933.82	
42	Feb-25	\$ 884.35	\$ 23,818.17	
43	Mar-25	\$ 884.35	\$ 24,702.51	
44	Apr-25	\$ 884.35	\$ 25,586.86	
45	May-25	\$ 884.35	\$ 26,471.21	
46	Jun-25	\$ 884.35	\$ 27,355.55	
47	Jul-25	\$ 884.35	\$ 28,239.90	
48	Aug-25	\$ 884.35	\$ 29,124.25	
49	Sep-25	\$ 884.35	\$ 30,008.59	
50	Oct-25	\$ 884.35	\$ 30,892.94	
51	Nov-25	\$ 884.35	\$ 31,777.29	
52	Dec-25	\$ 884.35	\$ 32,661.63	
53	Jan-26	\$ 884.35	\$ 33,545.98	
54	Feb-26	\$ 884.35	\$ 34,430.33	
55	Mar-26	\$ 884.35	\$ 35,314.67	
56	Apr-26	\$ 884.35	\$ 36,199.02	
57	May-26	\$ 884.35	\$ 37,083.37	
58	Jun-26	\$ 884.35	\$ 37,967.71	
59	Jul-26	\$ 884.35	\$ 38,852.06	
60	Aug-26	\$ 884.35	\$ 39,736.41	

Total \$ 39,736.41**Less Chapter 13****Trustee Fees \$ 3,973.64****Less Counsel Fees \$ 3,000.00****Available for****Unsecured Creditos \$ 32,762.77****Schedule F Total \$ 80,385.00****Distribution 40.76%****EXHIBIT 5**